

EXHIBIT 79

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
MDL-NO. 16-2738 (FLW) (LHG)

IN RE: JOHNSON & JOHNSON

TALCUM POWDER PRODUCTS ORAL DEPOSITION OF:

MARKETING, SALES PRACTICES, DANIEL L.
CLARKE-PEARSON, MD

AND PRODUCTS LIABILITY

VOLUME 1

LITIGATION

* * * *

THURSDAY, AUGUST 26, 2021

* * * *

MASTROIANNI & FORMAROLI, INC.

Certified Court Reporting & Videoconferencing

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<p>1</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7 Transcript of proceedings in the</p> <p>8 above matter taken stenographically by</p> <p>9 Theresa Mastroianni Kugler, Certified Court Reporter,</p> <p>10 license number 30X100085700, Notary Public of the</p> <p>11 State of New Jersey and the Commonwealth of</p> <p>12 Pennsylvania at The Notary Hotel, 21 N. Juniper</p> <p>13 Street, Mezzanine 1, Philadelphia, Pennsylvania,</p> <p>14 commencing at 10:05 AM.</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1</p> <p>2 SKADDEN ARPS</p> <p>3 BY: ALLISON M. BROWN, ESQUIRE</p> <p>4 - and -</p> <p>5 BY: KATE MULLALEY, ESQUIRE</p> <p>6 ONE MANHATTAN WEST</p> <p>7 NEW YORK, NEW YORK 10001-8602</p> <p>8 212-735-3000</p> <p>9 212-735-2000/1</p> <p>10 allison.brown@skadden.com</p> <p>11 ATTORNEYS FOR THE DEFENDANT,</p> <p>12 JOHNSON & JOHNSON</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
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<p>1 EXHIBITS</p> <p>2 EXHIBITS ATTACHED TO THE END OF THIS TRANSCRIPT</p> <p>3</p> <p>4 Exhibit 1, notice of deposition of Dr. Daniel L. Clarke-Pearson</p> <p>5 Page 10</p> <p>6</p> <p>7 Exhibit 1A, amended notice of deposition of Dr. Daniel L. Clarke-Pearson</p> <p>8 Page 10</p> <p>9</p> <p>10 Exhibit 2, original Dropbox production of documents responsive to deposition</p> <p>11 Page 11</p> <p>12</p> <p>13 Exhibit 3, supplement of Dropbox documents</p> <p>14 Page 11</p> <p>15</p> <p>16 Exhibit 4, binder of Dr. Daniel L. Clarke-Pearson</p> <p>17 Page 12</p> <p>18</p> <p>19 Exhibit 5, collection of notes and some miscellaneous additional information separate from binder</p> <p>20 Page 16</p> <p>21</p> <p>22 Exhibit D-6, collection of the invoices</p> <p>23 Page 23</p> <p>24</p> <p>25 Exhibit 7, MDL report from November 16th, 2018</p> <p>Page 44</p> <p>26</p> <p>27 Exhibit 8, the amended report dated July 2nd, 2021</p> <p>28 Page 44</p> <p>29</p> <p>30 Exhibit 9, a red line amended report</p> <p>31 Page 44</p> <p>32</p> <p>33</p> <p>34</p> <p>35</p>	<p>1 Exhibit 21, email from Ed McCarthy dated October 21, 2012</p> <p>2 Page 196</p> <p>3</p> <p>4</p> <p>5 Exhibit 22, article by Dr. Wong, et al, entitled: Perineal Talc Exposure and Subsequent Epithelial Ovarian Cancer: A Case-Control Study</p> <p>6 Page 199</p> <p>7</p> <p>8</p> <p>9 Exhibit 23, publication by David Egilman, et al titled: A Review of the Talc Industry's Influence on Federal Regulation and Scientific Standards For Asbestos in Talc</p> <p>10 Page 204</p> <p>11</p> <p>12 Exhibit 24, Dr. Clarke-Pearson's oral deposition dated Monday, February 4, 2019</p> <p>13 Page 206</p> <p>14</p> <p>15 Exhibit 25, Expert Report of Daniel L. Clarke-Pearson, MD on Hilary Converse</p> <p>16 Page 264</p> <p>17</p> <p>18 Exhibit 26, medical record for Hilary Converse</p> <p>19 Page 339</p> <p>20</p> <p>21 Exhibit 27, NCI PDQ</p> <p>22 Page 342</p> <p>23</p> <p>24 Exhibit 28, ProHealth Physicians of Hamden medical record</p> <p>25 Page 349</p> <p>26</p> <p>27</p> <p>28</p> <p>29</p> <p>30</p> <p>31</p> <p>32</p> <p>33</p> <p>34</p> <p>35</p>
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<p>1 Exhibit D-10, CV of Dr. Daniel L. Clarke-Pearson dated June 22, 2021</p> <p>2 Page 45</p> <p>3</p> <p>4 Exhibit 11, email correspondence</p> <p>5 Page 65</p> <p>6</p> <p>7 Exhibit 12, email correspondence with SGO</p> <p>8 Page 65</p> <p>9</p> <p>10 Exhibit 13, slide presentation</p> <p>11 Page 155</p> <p>12</p> <p>13 Exhibit 14, Exhibit B to the amended report</p> <p>14 Page 171</p> <p>15</p> <p>16 Exhibit 15, red line report</p> <p>17 Page 171</p> <p>18</p> <p>19 Exhibit 16, most recently updated reliance list</p> <p>20 Page 180</p> <p>21</p> <p>22 Exhibit 17, red line to the previous updated reliance list</p> <p>23 Page 180</p> <p>24</p> <p>25 Exhibit 18, letter from Dr. Jerrold L. Abraham dated August 25, 1997</p> <p>Page 189</p> <p>26</p> <p>27 Exhibit 19, US Public Health Service document from 1948</p> <p>28 Page 191</p> <p>29</p> <p>30 Exhibit 20, IMERYS document dated May 23, 2002</p> <p>31 Page 193</p> <p>32</p> <p>33</p> <p>34</p> <p>35</p>	<p>1</p> <p>2</p> <p>3 REQUESTS</p> <p>4</p> <p>5 REQUEST.....Page 20</p> <p>6 REQUEST.....Page 26</p> <p>7 REQUEST.....Page 27</p> <p>8 REQUEST.....Page 43</p> <p>9 REQUEST.....Page 56</p> <p>10 REQUEST.....Page 63</p> <p>11 REQUEST.....Page 67</p> <p>12 REQUEST.....Page 67</p> <p>13 REQUEST.....Page 70</p> <p>14 REQUEST.....Page 104</p> <p>15 REQUEST.....Page 251</p> <p>16 REQUEST.....Page 264</p> <p>17</p> <p>18</p> <p>19 MARKED</p> <p>20 Marked by Ms. Parfitt at Page 233</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

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1 (On the record at 10:05 AM)

2 (DANIEL L. CLARKE - PEARSON, MD,

3 having been duly sworn, was examined and testified as

4 follows:)

5 (EXAMINATION OF DR. CLARKE-PEARSON BY MS. BROWN:)

6 Q. Dr. Clarke-Pearson, good morning, Dr.

7 Clarke, how are you?

8 A. I'm fine, thank you. Good morning.

9 Q. Good morning. I'm Alli Brown. We've

10 met before. It's nice to see you again.

11 A. Yes.

12 Q. I'm here with my colleague, Kate

13 Mullaley, and we have some questions for you on

14 behalf of Johnson & Johnson.

15 Okay?

16 A. Okay.

17 Q. So let's just do a couple of

18 housekeeping things, if we could.

19 What I'd like to do is mark as Exhibit

20 1 and 1-A the notice of your deposition and then the

21 amended notice of your deposition.

22 (Exhibit 1, notice of deposition of Dr.

23 Daniel L. Clarke-Pearson, is marked for

24 identification)

25 (Exhibit 1A, amended notice of

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1 Q. And we had a discussion with counsel

2 off the record, the documents are quite voluminous,

3 and so we will supplement this record with some kind

4 of electronic copy for the court reporter so that we

5 can somehow have a complete record of what was

6 produced in advance of your deposition.

7 And then, Dr. Clarke-Pearson, I

8 understand you have physically brought to your

9 deposition a very large, maybe three or four-inch

10 looking binder.

11 Would you be so kind on the record as

12 to explain to us what it is and then we will

13 supplement a copy, which I think would bring us to

14 Exhibit 4 for your binder.

15 (Exhibit 4, binder of Dr. Daniel L.

16 Clarke-Pearson, is marked for identification)

17 THE WITNESS: Okay. So this binder

18 contains materials that I reviewed in preparation for

19 this case.

20 There is three sections for the three

21 patients that we're going to be deposed -- I'm going

22 to be deposed about. So there is an expert report

23 for each one of those. There is a patient profile

24 report. A first amended profile report. A second

25 amended profile report. And this is with regard to

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1 deposition of Dr. Daniel L. Clarke-Pearson, is marked

2 for identification)

3 BY MS. BROWN:

4 Q. And I don't think we have to waste a

5 whole lot of time with these, Doctor, because I

6 understand through your counsel you've already

7 provided us with some responsive documents.

8 So mark those as 1 and 1-A.

9 MS. THOMPSON: And we filed objections

10 as well.

11 MS. BROWN: Sure.

12 BY MS. BROWN:

13 Q. And then I'd like to mark as Exhibit 2

14 the original Dropbox production of documents

15 responsive to this deposition notice.

16 (Exhibit 2, original Dropbox production

17 of documents responsive to deposition, is marked for

18 identification)

19 BY MS. BROWN:

20 Q. And then we will mark as Exhibit 3 a

21 supplement of those Dropbox documents which was

22 produced a few days ago.

23 (Exhibit 3, supplement of Dropbox

24 documents, is marked for identification)

25 BY MS. BROWN:

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1 Mrs. Converse.

2 Q. Okay.

3 A. And the deposition of Mrs. Converse.

4 The depositions of Marquis Converse.

5 Deposition of Jessica Hughes.

6 Deposition of Dr. Peter Schwartz.

7 Genetic testing report for

8 Mrs. Converse.

9 Second genetic testing report for

10 Mrs. Converse.

11 Dr. Schwartz final most recent clinic

12 note.

13 A consultation note from Memorial

14 Sloan-Kettering for Mrs. Converse dated August 28th,

15 2007.

16 Dr. Schwartz's operative note.

17 Now, Mrs. Newsom, my expert report.

18 Expert report from Dr. John Godleski.

19 Deposition of Mrs. Tamara Newsome.

20 Deposition of Daniel François.

21 And deposition of Taylor François.

22 Deposition of Ravin Garg.

23 And the deposition of Albert Steren.

24 And a plaintiff's questionnaire.

25 PPF.

Pages 10 to 13

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1 African-American population?

2 **A. Yes.**

3 Q. And one of the things the authors

4 conclude in that paper you know, Doctor, is that

5 African-American women use talc more than white

6 women, right?

7 **A. I think Schildkraut said that too, yes.**

8 Q. And you believe that to be true,

9 correct?

10 **A. That's what they determined, so I**

11 **accept that.**

12 Q. And yet in the Davis paper, number one,

13 they found no dose response, right?

14 MS. THOMPSON: Object to form.

15 THE WITNESS: I don't recall exactly

16 what they looked at.

17 BY MS. BROWN:

18 Q. And they found even though

19 African-American women used talc more than white

20 women, they found no statistically significant

21 association in African-American women, but they did

22 in white women, right?

23 MS. THOMPSON: If you're asking him

24 continued questions, I would like for him to have the

25 article in front of him.

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1 BY MS. BROWN:

2 Q. Sure.

3 And you guys sent me the article as

4 something you had looked at, is that true?

5 **A. I looked at it, but it's not something**

6 **that I have right on the top of my head.**

7 Q. Would you expect a population of women

8 who use more talcum powder to have a higher incidence

9 of ovarian cancer?

10 MS. THOMPSON: Object to form.

11 THE WITNESS: It depends upon a lot of

12 other factors, other risk factors that have to do

13 with ovarian cancer.

14 BY MS. BROWN:

15 Q. Like what?

16 **A. Parity, whether patients have had their**

17 **tubes tied, their age, breast feeding. I mean a**

18 **variety of other -- the risks factors that you know**

19 **as well as I do. And African-American women don't**

20 **necessarily all have the same risk factors.**

21 Q. African-American women, to your

22 knowledge, use talcum powder more than white women,

23 true?

24 **A. That's my understanding.**

25 Q. And on sheer rates of incidence,

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1 African-American women get ovarian cancer less than

2 white women, right?

3 **A. That's my understanding.**

4 Q. And that's not what you would

5 necessarily expect if talcum powder was causing

6 ovarian cancer, right?

7 MS. THOMPSON: Object to form.

8 THE WITNESS: So talcum powder isn't

9 the only cause of ovarian cancer. So other risk

10 factors modulate the risk that talcum powder might

11 bring to the table, so to speak. So I'm not saying

12 that talcum powder is the only cause of ovarian

13 cancer as there are many things contribute to it, so

14 it's a multifactorial disease.

15 BY MS. BROWN:

16 Q. Have you done an investigation into the

17 causes of ovarian cancer by race?

18 MS. THOMPSON: Object to form.

19 THE WITNESS: We know that genetically

20 African-American have different genetics. They

21 carry, for example, more often a P-53 mutation, for

22 example.

23 So those are issues that are not --

24 that are racial to some degree and so that would be

25 an example of a difference that isn't modifiable in

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1 the environment. It doesn't impact fertility or

2 breast feeding or tubal ligations, things like that.

3 BY MS. BROWN:

4 Q. The P-53 mutation is a somatic

5 mutation, right?

6 **A. Is a what?**

7 Q. Somatic mutation?

8 **A. Yes. It can be. Not always.**

9 Q. And, in fact, most high-grade serous

10 cancers contain a P-53 mutation, right?

11 **A. Many do.**

12 Q. And are you suggesting that there is

13 some scientific literature that suggests that ovarian

14 cancers in African-American women show more P-53

15 mutations than in white women?

16 MS. THOMPSON: Object to form.

17 THE WITNESS: I was really referencing

18 in my own mind in terms of genetic differences by

19 race endometrial cancer. And P-53 in black women is

20 much more common in the somatic form. So I don't

21 know about ovarian cancer. But what I'm trying to

22 say is that African-American women genetically have

23 differences than white women.

24 BY MS. BROWN:

25 Q. And you referenced endometrioid --

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1 CERTIFICATE

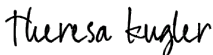
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I, Theresa Mastroianni Kugler, a Notary Public and Certified Shorthand Reporter of the State of New Jersey, do hereby certify that prior to the commencement of the examination, DANIEL L. CLARKE - PEARSON, MD, was duly sworn by me to testify the truth, the whole truth, and nothing but the truth.

I DO FURTHER CERTIFY that the foregoing is a true and accurate transcript of the testimony as taken stenographically by and before me at the time, place, and on the date hereinbefore set forth, to the best of my ability.

I DO FURTHER CERTIFY that I am neither a relative nor employee nor attorney nor counsel of any of the parties to this action, and that I am neither a relative nor employee of such attorney or counsel, and that I am not financially interested in the action.

DocuSigned by:



439DA67C1C71495...

Theresa Mastroianni Kugler, C.S.R.
Certified Court Reporter
Certificate No. XIO857
Date: August 30, 2021

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